



Town of Uxbridge
Planning Board
21 South Main St.
Uxbridge, MA 01569
(508) 278-6487

June ____, 2008

**TOWN OF UXBRIDGE, MASSACHUSETTS
CERTIFICATE OF APPROVAL
DEFINITIVE SUBDIVISION PLAN**

ROGERSON CROSSING

Owner: Blackstone – Chicago Realty Trust
Applicant: The Renaud Companies – Edward Renaud
Property Address: off Rogerson Crossing
Assessor's Map 12B, Parcels 3768 and 4561
Deed Book 14764, Page 233
Zoning District: Residence A

Town Clerk
Town Hall
Town of Uxbridge, Massachusetts

BACKGROUND:

Following submittal of an application for approval of a Definitive Plan application, it is hereby certified by the Planning Board of the Town of Uxbridge, Massachusetts, that at a duly called and properly posted meeting of said Planning Board, a public hearing was scheduled to open on November 14, 2007 but was continued at the request of the applicant, without taking testimony, to December 12, 2007. Following input on December 12, 2007, the hearing was continued at the request of the applicant, to January 9, 2008 and was again continued at the request of the applicant, without taking testimony, to January 23, 2008. Following public input on January 23, 2008, the hearing was continued at the request of the applicant to February 27, 2008 and was again continued at the request of the applicant, without taking testimony, to March 26, 2008. Following public input on March 26, 2008, the hearing was then continued at the request of the applicant to April 23, 2008 and was again continued at the request of the applicant, without taking testimony, to May 28, 2008. Following public input on May, 28, 2008, the hearing was then closed.

The **FILINGS** upon which the decision is based include submittals relative to the Subdivision application and also the application for Townhouse Special Permit. The applications were filed and reviewed concurrently, at the applicant's request, and included the following:

- 1) Application for Definitive Subdivision Plan, submitted October 4, 2007 and containing application forms, deeds and ownership data, fee schedule and associated submittal fees, and a certified abutters list. The application seeks approval of a 2-Lot Subdivision located off Rogerson Commons. The existing public way known as Rogerson Commons would be extended by approximately 350 feet (to the center of the proposed cul de sac) as shown on the plans.
- 2) Additional documents including Drainage Analysis dated May 2007 revised thru February 13, 2008, Traffic Impact Analysis dated January 7, 2008 revised thru March 12, 2008, and Fiscal Impact Assessment.
- 3) Plans drawn by Heritage Design Group, One Main Street, Whitinsville, MA 01588, dated July 16, 2007, with revisions dated through June 3, 2008 and consisting of the following sheets (Plans will be amended further in order to comply with conditions of approval articulated herein, including additional sheet/s on which conditions of approval are articulated):
 - a) Cover Sheet 1 of 15,
 - b) Notes, references and legend sheet 2 of 15,
 - c) Definitive Subdivision Overview Plan 3 of 15,
 - d) Definitive Subdivision Plan 4 & 5 of 15,
 - e) Existing Conditions Plan 6 of 15,
 - f) Erosion Control Plan 7 of 15,
 - g) Topographic and Utility Plan 8 of 15,
 - h) Roadway Plan and Profile 9 of 15,
 - i) Lighting Plan 10 of 15,
 - j) Site Details 11 thru 15 of 15,
 - k) Definitive Plan for Homeward Avenue A1 of A1,
 - l) Bridge foundation Plan S-1 of 1, and
 - m) Bridge Steel Plans SB1 thru SB11 of 11.
- 4) Staff Review Comments from
 - a) DPW, dated October 15, 2007
 - b) Board of Health, dated October 18, 2007
 - c) Director of P&ED, dated October 24, 2007
 - d) Director of P&ED, dated November 8, 2007
 - e) BETA Group, Inc., dated January 22, 2008
 - f) Director P&ED to Applicant, dated January 25, 2008
 - g) Director of P&ED, dated February 20, 2008
 - h) DPW, dated February 25, 2008
 - i) BETA Group, Inc., dated March 11, 2008
 - j) Director of P&ED, dated March 18, 2008
 - k) DPW dated May 5, 2008
 - l) Director P&ED, dated May 6, 2008

- m) BETA Group, Inc., dated May 9, 2008
 - n) BETA Group Inc, dated May 27, 2008
 - o) BETA Group Inc., dated March 19, 2004 (relative to review of bridge design)
- 5) Other correspondence from
- a) Grant Fletcher, dated December 12, 2007
 - b) Ed Larkin, dated January 11, 2008
 - c) Sands Marshall, dated January 23, 2008
 - d) Heritage Design Group, dated February 14, 2008
 - e) Citizens Petition, dated February 2, 2008, received March 26, 2008
 - f) Traffic Observations, dated March 25, 2008
 - g) Heritage Design Group, dated April 10, 2008
 - h) Heritage Design Group, dated April 10, 2008
 - i) Heritage Design Group, dated May 6, 2008
 - j) Citizens Petition, dated May 3, 2008, received May 28, 2008 and containing the earlier (Feb/March) correspondence in item e) above.

DECISION AND CONDITIONS OF APPROVAL

Following review of all materials and testimony, a motion was made to approve the Definitive Subdivision Plan with the following conditions:

- 1) The Applicant shall comply with all applicable laws, regulations and permit conditions required by the Uxbridge Conservation Commission, Board of Health, Fire Department, Building Department, Water Department, Sewer Department, Highway Department and all other departments and agencies for this project. Failure to comply with all permits and requirements of such departments, boards and commissions shall constitute a violation of this Plan approval
- 2) Prior to initial site clearing, the developer must submit written proof of compliance with the requirements of the NPDES General Permit for Storm Water Discharges From Construction Activities (the General Permit) including those provisions specific to activities proposed within the Commonwealth of Massachusetts. A copy of the Notice of Intent submitted to the USEPA Region 1 Office and the Massachusetts Department of Environmental Protection shall serve as proof of compliance. Copies of all plans, updates, revisions and reports included in the NOI and as required from time-to-time under the General Permit shall also be submitted to the Planning Board. If it is determined that the project site is exempt from the requirements of the General Permit, such determination shall be submitted in writing to the Planning Board prior to initial site clearing.
- 3) The contents of this Decision, including all waivers (if any) and conditions of approval, shall be shown as notes on the plan prior to endorsement. The final approved plan will therefore have a revision date later than that stated in the Filings above. No waivers are granted herein

- 4) Plans shall be submitted for endorsement within sixty (60) days of the expiration of the twenty-day appeal period or within sixty (60) days after the entry of a final decree by the court sustaining the approval of the plan if appeal has been taken.
- 5) Within thirty (30) days following endorsement of the approved Plan, the applicant shall provide the Board with four (4) complete sets of said Plan, as finally approved. The applicant shall also submit 3 copies of “reduced” plans on paper sized 11x17.
- 6) A covenant shall be required, pursuant to MGL 41. All conditions of approval shall be satisfied in full prior to any lot release for building, sale or occupancy.
- 7) Within 6 months following endorsement of the approved plan, the applicant shall submit to the Board a copy of the plan as recorded with the Worcester County Registry of Deeds, and in the case of registered land, with the Recorder of the Land Court. A copy of this Certificate of Conditional approval and any covenants, all reflecting Book/Page numbers as recorded at the Registry of Deeds, shall also be provided to the Board at the same time.
- 8) Clear-cutting activities shall not be permitted. Prior to undertaking site clearing activities and commencement of construction, the limit of clearing and limit of work identified on the approved development plans must be suitably marked and inspected by the Planning Board and/or its designees. Acceptable markers include hay bales or plastic fence.
- 9) The roadway river/wetland crossing and the associated infrastructure has been reviewed by the Town. All permits shall be secured (and copies thereof provided to the Board) by the applicant. Construction shall be monitored by the Town’s engineering consultant. Cost associated for such consultation shall be borne by the owner/applicant.
- 10) Prior to any construction activities, there shall be a pre-construction meeting with the applicant, contractor, and designees from the applicable boards, committees, and departments. Letters from all applicable utilities (gas, water, sewer, etc) shall be provided acknowledging where respective utility and equipment will be placed within the development.
- 11) Prior to initial construction activities an Erosion Control Officer shall be designated for this development. In the event this person is no longer able to fulfill his/her duties and responsibilities, the applicant shall designate a replacement and notify the Planning Board immediately.
- 12) Use of the public roadway is not intended to serve as a private construction site. There shall be no storage or materials or otherwise “staging” of activity within the existing Rogerson Crossing except as may be authorized by the DPW and/or Board of Selectmen, as appropriate.
- 13) The proposed roadway (extension of existing Rogerson Crossing roadway) shows a sidewalk on the left (southerly) side. There is a sidewalk on the existing Rogerson Crossing on that same side of the road between Moorland Drive and Granite Street.

The applicant shall extend the sidewalk, complying with ADA/MAAB standards, between Moorland Dr. and the currently-proposed roadway extension. The intent is to “link” the sidewalks to ensure that there is a continuous sidewalk along all of Rogerson Crossing.

- 14) The developer shall complete construction of all ways and installation of all municipal services and utilities in accordance with this approval and with the Board's rules and regulations within three (3) years from the date of approval (unless an extension has been granted by the Planning Board). Failure of the developer to complete construction as stated above shall result in automatic rescission of the plan. This condition may be modified by future application for Modified Definitive Plan approval, to be filed with the Board in accordance with the requirements of MGL Chapter 41 and local regulations.
- 15) The developer shall be responsible for installing any regulatory traffic warning signs which may be needed after the development becomes occupied as required by the police department, or Board of Selectmen, prior to acceptance of the roadway by the Town. This is intended to include STOP signs, “no parking” signs, street signs (identifying the name of the street), etc. All signage shall be MUTCD compliant and acceptable to the Uxbridge Department of Public Works.
- 16) A substantial portion of the land shown as “Lot 2” of this plan is also shown on a plan titled Homeward Avenue Estates, dated December 12, 2003. The Homeward Ave project is still in the public hearing phase of Definitive Plan review (this is by virtue of a request by the applicant in 2004 to continue the hearing indefinitely; it has not been reconvened since). At the time of its submittal, in 2003, the zoning bylaws had different provisions affecting this zoning district (Residence A). By virtue of the current application for Definitive Plan approval of the project identified as “Rogerson Crossing”, as shown on the plans and filings described herein, the zoning governing development of the land shown on the Rogerson Crossing plan, including that portion which is also shown on a 2003 plan titled “Homeward Avenue Estates”, shall be the zoning bylaw provisions in effect at the time of the filing of the Rogerson Crossing Definitive Plan.
- 17) No development is proposed for Lot 2 at this time. The land shown on the plan as Lot 2 shall be governed by the bylaws and regulations governing this subdivision or as may be in effect at the time development is actually proposed for said Lot 2. The land shown on the plan as Lot 2 shall not be built upon without further review by the Conservation Commission (to the extent that there may or will be jurisdictional impacts) and the Planning Board (to the extent that such development may require Planning Board approval). Reviews shall, at a minimum, include analysis of the stormwater management impacts (cumulatively with the development of this Subdivision and associated Townhouse Development plan of the land shown on the plan as Lot 1) and traffic impacts (cumulatively with the development of this Subdivision and associated Townhouse Development plan of the land shown on the plan as Lot 1), as well as all other applicable analyses.
- 18) Inspections will be conducted throughout construction to ensure compliance with all aspects of this Definitive Plan approval. Such inspections may be conducted by

Town personnel and/or consultant engineer at the owner/developer's expense, contracted by the Town pursuant to MGL Ch 44 Section 53G

- 19) Prior to construction commencing, copies of all required permits shall be provided to the Planning Board for the file. This shall be interpreted so that if permits are to be recorded at the Registry of Deeds, such recording information is shown on the documents provided to the Planning Board.
- 20) In accordance with the Applicant's representations, the applicant the developer shall maintain responsibility for performing the appropriate maintenance to the stormwater management systems associated with this subdivision, in perpetuity. Prior to release of any lot, the applicant shall provide executed documents to ensure this provision is carried out and enforceable in perpetuity. Such materials shall be deemed acceptable by the Town prior to release of a lot for building, sale or occupancy and shall include the final approved stormwater management plans, including monitoring/reporting forms, easements and all other relevant materials.
- 21) In accordance with the Applicant's representations, the applicant the developer shall maintain responsibility for appropriate maintenance of the streetlighting, as shown on the plans, in perpetuity. Prior to release of any lot, the applicant shall provide executed documents to ensure this provision is carried out and enforceable in perpetuity. Such materials shall be deemed acceptable by the Town prior to release of a lot for building, sale or occupancy
- 22) The existing decision shall not be valid beyond the lots approved herein, and the roadway shall not be extended in distance or function unless application is made and approval is received and executed pursuant to applicable regulation.
- 23) The developer shall retain rights to any and all easements that may be needed for Town infrastructure. Such rights shall be assignable in easement form to the Town of Uxbridge on request.
- 24) The applicant will comply with the "Requirements for Digital Submission for Site or Subdivision Plans, ANRs or As-Built Drawings", including fee.
- 25) Copies of all recorded instruments, including this decision, deed restrictions, easements, etc shall be provided to the Planning Board, and deemed satisfactory to the Board for their stated purposes, prior to release of any covenant. Such materials shall include the book and page number where such document(s) is/are on file at the Worcester District Registry of Deeds.

SAID DEFINITIVE SUBDIVISION APPROVAL FOR “ROGERSON CROSSING” IS GRANTED WITH CONDITIONS PURSUANT TO M.G.L. CHAPTER 41 SECTION 81K-81GG. APPEALS FROM THIS DECISION SHALL BE MADE PURSUANT TO MASSACHUSETTS GENERAL LAWS CHAPTER 41 SECTION 81BB.

UXBRIDGE PLANNING BOARD:

John Morawski, Chairman

Deborah Bernier

Charles Lutton

Peter Petrillo

Stanley Stefanick

I hereby certify that twenty (20) days has elapsed from the date this decision was filed and no appeal has been filed in this office.

A true copy: ATTEST

Town Clerk/Assistant Town Clerk
(Town Seal Affixed)